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Attorneys for Plaintiff The Guardian Insurance  
and Annuity Company, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

THE GUARDIAN INSURANCE AND  
ANNUITY COMPANY, INC., a  
corporation,

Plaintiff,

vs.

CARLA M. UNTERMANN, an  
individual; PHILLIP UNTERMANN,  
an individual; BRENDA CAMILLI, an  
individual; JOANNE L. GRIGGS, an  
individual; LISA CAMILLI, an  
individual; KATHLEEN BUTLER  
CAMILLI, an individual; RICHARD L.  
CAMILLI, an individual; DOLPH F.  
CAMILLI, an individual; DIANNE R.  
ABRAHAM, an individual; DOUGLAS  
J. CAMILLI, an individual; BRUCE P.  
CAMILLI, an individual; SPCA OF  
SAN MATEO, CALIFORNIA;  
DIANNE R. ABRAHAM, as Successor  
Trustee of the Dolph L. Camilli Bypass  
Trust; WILLIAM H. SHEA, JR., as  
Successor Trustee of the Gerda M.  
Camilli Survivor Trust; CHRIS  
CAMILLI, an individual, and DOES 1  
through 10, inclusive,

Defendants.

Case No: C 07 3557 CRB

**JOINT CASE MANAGEMENT  
STATEMENT AND PROPOSED  
ORDER**

Date: May 9, 2008

Time: 8:30 a.m.

Ctrm: "8" – 19<sup>th</sup> Floor

Judge: Hon. Charles R. Breyer

1 Plaintiff The Guardian Insurance and Annuity Company, Inc. ("the  
 2 Guardian"), and Defendants Diane R. Abraham, as an individual and as Successor  
 3 Trustee Of The Dolph L. Camilli Bypass Trust, William H. Shea, Jr., as Successor  
 4 Trustee Of The Gerda M. Camilli Survivor Trust, and the Peninsula Humane  
 5 Society & SPCA (incorrectly named in the complaint as "SPCA of San Mateo,  
 6 California"), jointly submit this Case Management Statement and request the Court  
 7 to adopt it as its Case Management Order in this case<sup>1</sup>:

### 8 9 **JURISDICTION AND SERVICE**

10  
11 1. Jurisdiction is based on diversity. All parties have been served.  
12

### 13 **DESCRIPTION OF THE CASE/CASE STATUS**

14  
15 2. This is an interpleader action involving multiple defendants. The case  
 16 is nearing resolution. The potential adverse claimants to the annuity contract  
 17 proceeds at issue have waived their rights as beneficiaries of the contracts and have  
 18 agreed that the proceeds be distributed to the Defendant Trustees pursuant to the  
 19 November 17, 2006 order issued by the Superior Court of San Mateo County,  
 20 California.  
21

22 The parties are now in the process of preparing a stipulation for discharge,  
 23 dismissal, and liquidation of the annuity contracts which will resolve the issues in  
 24 this lawsuit and dismiss this case with prejudice. The stipulation will also include  
 25 the Defendants' agreement that it will constitute a general appearance on behalf of  
 26 all Defendants. Accordingly, due to the case's resolution, the Defendants do not  
 27 anticipate filing responsive pleadings at this time before the Court's deadline of  
 28

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<sup>1</sup> The rest of the Defendants are in pro per and concur that the case will be resolved.

1 April 25, 2008. The Defendants request that this deadline be extended to August  
2 15, 2008, to allow time for the parties to execute and submit the stipulation.

3  
4 The parties anticipate that the stipulation will be submitted within the next  
5 60 days to accomplish the translation of the stipulation into German and to obtain  
6 signatures from all 13 Defendants. Moreover, two of the Defendants are located  
7 outside the country. (Defendant Carla Untermann resides in Germany and  
8 Defendant Phillip Untermann resides in Switzerland).

9  
10 **ALTERNATIVE DISPUTE RESOLUTION**  
11

12 3. Due to the parties' agreement on the distribution of the annuity  
13 proceeds and intention to submit the stipulation for discharge, dismissal, and  
14 liquidation, the parties do not elect an alternative dispute resolution at this time.

15  
16 **DISCLOSURES**  
17

18 4. Due to the parties' agreement and anticipated case resolution, the  
19 parties do not intend on serving initial disclosures at this time. The Defendants  
20 will serve initial disclosures if this case is not resolved by the stipulation.

21  
22 **DISCOVERY**  
23

24 5. Due to the parties' agreement and anticipated case resolution, the  
25 parties do not have any plans for discovery at this time. The Defendants will  
26 submit a discovery plan if this case is not resolved by the stipulation.

**MOTIONS**

6. Due to the parties' agreement and anticipated case resolution, the parties do not anticipate filing any motions at this time.

**TRIAL SCHEDULE**

7. Due to the anticipated dismissal of this case within the next 60 days, the parties do not request a trial date. Alternatively, the parties propose that the trial be held in January 2009.

**MISCELLANEOUS**

8. The parties do not intend to join any additional parties or amend their pleadings.

9. None of the parties consent to assignment of this case to a United States Magistrate Judge for trial.

10. The parties believe that this case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

11. The parties do not believe that this is a case that should be handled on an expedited schedule.

12. There are no related cases.

13. Plaintiff Guardian has filed its notice of interested parties.

DATED: April 30, 2008

LAW OFFICES OF JOHN G. CLARK

By: /s/ John G. Clark  
(As authorized on April 30, 2008)  
JOHN G. CLARK  
Attorney for DIANE R. ABRAHAM, as  
an individual and as Successor Trustee  
of the Dolph L. Camilli Bypass Trust

DATED: April 24, 2008

KEITH P. BARTEL  
JEFFREY R. LOEW  
CARR, McCLELLAN, INGERSOLL,  
THOMPSON & HORN

By: /s/ Jeffrey R. Loew  
(As authorized on April 24, 2008)  
JEFFREY R. LOEW  
Attorneys for WILLIAM H. SHEA, JR.,  
as Successor Trustee of the Gerda M.  
Camilli Survivor Trust

DATED: April 30, 2008

DANIEL W. MAGUIRE  
KEIKO J. KOJIMA  
BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Keiko J. Kojima  
KEIKO J. KOJIMA  
Attorneys for The Guardian Insurance  
and Annuity Company, Inc

DATED: April 24, 2008

KIMBERLEY A. FONNER  
LAW OFFICE OF KIMBERLEY A.  
FONNER

By: /s/ Kimberley Fonner  
(As authorized on April 24, 2008)  
KIMBERLEY A. FONNER  
Attorney for Peninsula Humane Society  
& SPCA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THE GUARDIAN INSURANCE AND  
ANNUITY COMPANY, INC., a  
corporation,

Plaintiff,

vs.

CARLA M. UNTERMANN, et al.,  
Defendants.

Case No: C073557CRB

**JOINT CASE MANAGEMENT  
STATEMENT AND PROPOSED  
ORDER**

Date: May 9, 2008

Time: 8:30 a.m.

Ctrm: "8" – 19<sup>th</sup> Floor

Judge: Hon. Charles R. Breyer

**CASE MANAGEMENT ORDER**

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition, the Court orders:

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge